

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH

RICHARD P. DURHAM, an individual
and DURHAM CAPITAL, L.L.C., a Utah
limited liability co.,

Plaintiffs,

vs.

JP MORGAN CHASE, a Delaware
company and J.P. MORGAN
PARTNERS, a Delaware limited liability
co.,

Defendants.

MEMORANDUM DECISION AND
ORDER VACATING HEARING
AND GRANTING DEFENDANTS'
REQUEST TO REFER MOTION
FOR CHANGE OF VENUE TO
BANKRUPTCY JUDGE

Case No. 2: 06-CV-586 TS

This matter is before the Court for consideration of Defendant's First Motion to Change Venue and Defendant's Motion under DUCivR 83-7.1 to Refer Motion to Change Venue to Bankruptcy Judge for Report and Recommendation. The Court having considered the Motions, memoranda, the Complaint and being fully advised, it is therefore


ORDERED that Defendant's Motion under DUCivR 83-7.1 to Refer Motion to Change Venue to Bankruptcy Judge for Report and Recommendation (Docket No. 4) is GRANTED. It is further

ORDERED that the hearing set for Thursday, November 9, 2006, at 10:00 a.m. is VACATED. It is further

ORDERED that pursuant to DUCivR 83-7.1(a), Defendants' Motion to Change Venue is referred to the bankruptcy judges in this district for the purpose of hearing the Motion in the first instance and submitting a report and recommendation containing proposed findings of fact and conclusions of law on the following issues: (1) whether this case is "related to" the post-confirmation bankruptcy case of non-party Pliant; and, if so (2) on Defendants' Motion to Transfer Venue.

DATED November 6, 2006.

BY THE COURT:



TED STEWART
United States District Judge